



WISCONSIN LEGISLATIVE COUNCIL

JOINT LEGISLATIVE COUNCIL MINUTES

Room 411 South, State Capitol
Madison, Wisconsin

March 14, 2001
8:30 a.m. - 11:45 a.m.

[The following is a summary of the March 14, 2001 meeting of the Joint Legislative Council. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting and a copy of the registration form listing those who attended. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc/2000studies.htm>.]

Call to Order and Roll Call

Co-Chair Risser called the meeting to order. The roll was called and it was determined that a quorum was present.

Co-Chair Risser welcomed the new members of the Joint Legislative Council--Representatives Kitty Rhoades, Co-Chair, Spencer Black and Michael Lehman; and Senators James Baumgart and Alberta Darling.

Co-Chair Risser then gave a brief report on the status of the Joint Legislative Council study committee work. Co-Chair Risser added that because of the tightly scheduled agenda, it would not be possible to accommodate any public appearances. However, he reminded the members that if the bills are introduced by the Council, they will then follow the traditional process in the Legislature and that public hearings will be held on these bills in their assigned standing committees.

Co-Chair Risser then reviewed a couple of procedural items for the members: first, the Council rules require that a member be physically present at the time a roll call vote is taken, in order to be recorded as voting; second, under the governing statute, 12 affirmative votes are required in order for the Council to introduce any proposal recommended to it; and third, an additional rule is proposed for adoption. This rule calls for all amendments to be offered in writing. It is designed to ensure that the intent of the author is accurately recorded in our proceedings. He also mentioned that the Council would be asked today to reintroduce some bills that were approved by the 1998-99 Council. Due to the lateness of their introduction, most of them did not receive a standing committee hearing.

COMMITTEE MEMBERS
PRESENT:

Sen. Fred A. Risser and Rep. Kitty Rhoades, Co-Chairs; Sens. James Baumgart, Brian Burke, Charles J. Chvala, Alberta Darling, Gary R. George, Richard Grobschmidt, Mary Panzer, Judith Robson, Peggy Rosenzweig and David Zien; and Reps. Spencer Black, Peter Bock, Steven M. Foti, Stephen J. Freese, John Gard, Gregory Huber, Scott R. Jensen, Michael Lehman and Jeff Stone.

COMMITTEE MEMBER
EXCUSED:

Rep. Shirley Krug.

OTHER LEGISLATOR PRESENT:

Rep. Luther Olsen.

COUNCIL STAFF PRESENT:

Terry C. Anderson, Director; Laura Rose, Deputy Director; Joyce Kiel, Mark C. Patronskey, Don Salm, Anne Sappenfield, Pam Shannon, Ronald Sklansky and Richard Sweet, Senior Staff Attorneys; David L. Lovell, Senior Analyst; and Wendy Ulrich and Kelly Mautz, Administrative Assistants.

APPEARANCES:

Sen. Brian Burke and Rep. Stephen Freese, Co-Chairs, Special Committee on Recodification of Operating While Intoxicated and Safety Laws Pertaining to Motor Vehicle, All-Terrain Vehicle, Boat or Snowmobile Operation; Rep. Terry Musser, Chair, Special Committee on State-Tribal Relations; Sen. Richard Grobschmidt and Rep. Gregg Underheim, Co-Chairs, Special Committee on Arts Funding; Sen. Rodney Moen and Rep. David Ward, Co-Chairs, Special Committee on Dental Care Access; and Sen. Kim Plache and Rep. Mark Gundrum, Co-Chairs, Special Committee on Guardian Ad Litem in Actions Affecting the Family.

**Approval of the Minutes of the Committee's
November 4, 1999 Meeting**

It was moved by Sen. Chvala, seconded by Rep. Freese, that the minutes of the November 4, 1999 meeting be approved. The motion was adopted by unanimous consent.

Consideration of 2000 Study Committee Reports:

Report of the Special Committee on Recodification of Operating While Intoxicated and Safety Laws Pertaining to Motor Vehicle, All-Terrain Vehicle, Boat or Snowmobile Operation

Senator Burke, Committee Co-Chair, reported on the activities of the committee and described the first three drafts recommended to the Joint Legislative Council: WLC: 0011/4, WLC: 0021/1 and WLC: 0024/2. Representative Freese, Co-Chair, described the remaining bill draft, WLC: 0032/3.

Co-Chair Risser asked if there was any discussion on any of these proposals.

First, several Council members commended the Co-Chairs on the work product of the committee.

Co-Chair Rhoades asked whether sport recreational vehicles and motor vehicles would be combined for purposes of counting violations. Mr. Sklansky responded that sport recreational vehicles were consolidated for counting violations but still remain separate from motor vehicles. She next questioned if the draft counts out-of-state convictions for purposes of repeater sentences in the case of sport recreational vehicles. Mr. Sklansky stated that the draft does not count out-of-state violations.

Several Council members expressed concern with the age requirement in WLC: 0024/2. They asked how the committee decided to apply to persons under the age of 16 the requirement to wear personal flotation devices.

In response to this question, Representative Freese said that because of the large number of drownings over the past few years, the committee felt this would help prevent future drownings. He said the committee's intention was mainly focused on the smaller, younger children.

Senator Zien asked if the committee looked into other states having a comparable law.

Representative Freese responded that the committee did not discuss other states.

After hearing no further discussion:

Sen. Chvala moved, seconded by Rep. Stone, that WLC: 0011/4, relating to the intoxicated operation of an all-terrain vehicle, motorboat or snowmobile, be introduced by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 19 (Sens. Risser, Baumgart, Burke, Chvala, Darling, Grobschmidt, Panzer, Robson, Rosenzweig and Zien; and Reps. Rhoades, Black, Bock, Foti, Freese, Gard, Huber, Lehman and Stone); Noes, 0; and Absent, 3 (Sen. George; and Reps. Jensen and Krug).

[Sen. George and Rep. Jensen asked that the record reflect that had they been present, they would have voted in favor of WLC: 0011/4.]

Sen. Chvala moved, seconded by Rep. Stone, that WLC: 0021/1, relating to safety training for all-terrain vehicle and motor boat operation, be introduced by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 19 (Sens. Risser, Baumgart, Burke, Chvala, Darling, Grobschmidt, Panzer, Robson, Rosenzweig and Zien; and Reps. Rhoades, Black, Bock, Foti, Freese, Gard, Huber, Lehman and Stone); Noes, 0; and Absent, 3 (Sen. George; and Reps. Jensen and Krug).

[Sen. George and Rep. Jensen asked that the record reflect that had they been present, they would have voted in favor of WLC: 0021/1.]

Sen. Chvala moved, seconded by Rep. Black, that WLC: 0024/2, relating to wearing of flotation devices, be introduced by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 12 (Sens. Risser, Baumgart, Burke, Chvala, Grobschmidt, Robson and Rosenzweig; and Reps. Black, Bock, Freese, Huber and Stone); Noes, 7 (Sens. Darling, Panzer and Zien; and Reps. Rhoades, Foti, Gard and Lehman); and Absent, 3 (Sen. George; and Reps. Jensen and Krug).

[Sen. George asked that the record reflect that had he been present, he would have voted in favor of WLC: 0024/2. Rep. Jensen asked that the record reflect that had he been present, he would have voted against WLC: 0024/2.]

Sen. Chvala moved, seconded by Rep. Stone, that WLC: 0032/3, relating to operating a motor vehicle while intoxicated, be introduced by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 19 (Sens. Risser, Baumgart, Burke, Chvala, Darling, Grobschmidt, Panzer, Robson, Rosenzweig and Zien; and Reps. Rhoades, Black, Bock, Foti, Freese, Gard, Huber, Lehman and Stone); Noes, 0; and Absent, 3 (Sen. George; and Reps. Jensen and Krug).

[Sen. George and Rep. Jensen asked that the record reflect that had they been present, they would have voted in favor of WLC: 0032/3.]

Report of the Special Committee on State-Tribal Relations

Representative Musser, Committee Chair, reviewed the activities of the committee and discussed a number of issues in the recommended draft to the Council, LRB-1176/1, relating to tribal administration of rehabilitation reviews under the caregiver background check law.

Senator Rosenzweig asked what constitutes a “tribal enterprise” and asked for an example. Ms. Kiel responded that the definition comes out of the tax code. She said, as an example, a tribal enterprise could be established by a tribe to own or operate a community-based residential facility or day care center. In response to a question, she also noted that an entity located on a tribe’s reservation may be providing services to individuals who are not members of that tribe.

After hearing no further discussion:

Rep. Freese moved, seconded by Sen. George, that LRB-1176/1, relating to tribal administration of rehabilitation reviews under the caregiver background check law, be introduced by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 18 (Sens. Risser, Baumgart, Darling, George, Grobschmidt, Panzer, Robson, Rosenzweig and Zien; and Reps. Rhoades, Black, Bock, Foti, Freese, Gard, Huber, Lehman and Stone); Noes, 0; and Absent, 4 (Sens. Burke and Chvala; and Reps. Jensen and Krug.)

[Sen. Burke and Rep. Jensen asked that the record reflect that had they been present, they would have voted in favor of LRB-1176/1.]

Report of the Special Committee on Arts Funding

Representative Underheim and Senator Grobschmidt, Committee Co-Chairs, began their remarks by stating that today is Arts Day at the Capitol and welcomed all the enthusiastic supporters of the arts who were in the audience. They then outlined the two drafts recommended to the Council: WLC: 0071/3 and WLC: 0075/2.

Before asking if there was any discussion from Council members, Co-Chair Risser stated that he was somewhat apprehensive about creating more specialty license plates in the state.

Committee discussion continued regarding various definitions of terms and the economic impact of the proposals. Several committee members commended the Co-Chairs for the committee's creative recommendations relative to the arts.

After hearing no further discussion:

Sen. George moved, seconded by Rep. Foti, that WLC: 0071/3, relating to creating an artistic endowment foundation and fund, creating an income tax credit for contributions to the fund, creating a sales tax exemption for sales of tickets and admissions by nonprofit organizations, granting rule-making authority, and making appropriations, be introduced by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 19 (Sens. Risser, Baumgart, Burke, Darling, George, Grobschmidt, Panzer, Robson, Rosenzweig and Zien; and Reps. Rhoades, Black, Bock, Foti, Freese, Huber, Jensen, Lehman and Stone); Noes, 1 (Rep. Gard); and Absent, 2 (Sen. Chvala; and Rep. Krug).

Sen. George moved, seconded by Rep. Foti, that WLC: 0075/2, relating to special distinguishing registration plates in support of the arts, be introduced by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 16 (Sens. Risser, Burke, Darling, George, Grobschmidt, Panzer, Robson, Rosenzweig and Zien; and Reps. Rhoades, Black, Bock, Foti, Freese, Gard and Huber); Noes, 4 (Sen. Baumgart; and Reps. Jensen, Lehman and Stone); and Absent, 2 (Sen. Chvala; and Rep. Krug).

**Report of the
Special Committee on Guardians Ad Litem
in Actions Affecting the Family**

Senator Plache and Representative Gundrum, Committee Co-Chairs, described WLC: 0019/3 and the petition to the Wisconsin Supreme Court to the Council members.

Co-Chair Risser said that he agrees that more training is needed for attorneys who accept appointments as a guardian ad litem (GAL) in actions affecting the family. He then asked if there was any further questions or comments.

Representative Bock questioned whether there is a set rate for county reimbursement of GALs.

In response to this question, Ms. Sappenfield responded that this rate varies from county to county, and generally ranges from \$40 to \$70 per hour, although several counties reimburse GALs at a higher rate.

After hearing no further discussion:

Sen. George moved, seconded by Rep. Foti, that WLC: 0019/3, relating to guardians ad litem, parent education and parenting plans in actions affecting the family, be introduced by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 18 (Sens. Risser, Baumgart, Burke, Darling, George, Grobschmidt, Robson, Rosenzweig and Zien; and Reps. Rhoades, Bock, Foti, Freese, Gard, Huber, Jensen, Lehman and Stone); Noes, 0; and Absent, 4 (Sens. Chvala and Panzer; and Reps. Black and Krug).

[Sen. Panzer and Rep. Black asked that the record reflect that had they been present, they would have voted in favor of WLC: 0019/3.]

Sen. George moved, seconded by Rep. Foti, that the petition to the Wisconsin Supreme Court amending rules relating to eligibility for appointment as a guardian ad litem for a minor, be approved by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 18 (Sens. Risser, Baumgart, Burke, Darling, George, Grobschmidt, Robson, Rosenzweig and Zien; and Reps. Rhoades, Bock, Foti, Freese, Gard, Huber, Jensen, Lehman and Stone); Noes, 0; and Absent, 4 (Sen. Chvala and Panzer; and Reps. Black and Krug).

[Rep. Black asked that the record reflect that had he been present, he would have voted in favor of the petition.]

**Report of the
Special Committee on Dental Care Access**

Representative Jensen suggested that, due to the lateness of the hour and the appearance that several Council members were leaving, this committee report be tabled until the next Joint Legislative

Council meeting. Co-Chair Risser asked Representative Ward and Senator Moen, Committee Co-Chairs, what their preference would be. They stated that they would like to proceed with the committee's report today.

Representative Ward and Senator Moen presented an overview of the two drafts being recommended to the Council, WLC: 0089/2 and WLC: 0090/2, and the committee's activities. After several questions from Council members, Representative Gard stated that he had amendments to offer on both drafts.

He explained that his first amendment to WLC: 0089/2 (WLC: 0108/1) would eliminate the reimbursement rate increase for dental services under Medical Assistance (MA).

After discussion of this amendment:

Rep. Gard moved, seconded by Rep. Foti, to amend WLC: 0089/2 by deleting the language on page 1, line 6, "increasing the medical assistance reimbursement rates for dental services;" and deleting lines 8 to 15 on page 10 of the draft. The motion failed on a roll call vote as follows: Ayes, 4 (Sen. Darling; and Reps. Rhoades, Foti and Gard); Noes, 14 (Sens. Risser, Baumgart, Chvala, George, Grobschmidt, Robson, Rosenzweig and Zien; and Reps. Black, Bock, Freese, Huber, Lehman and Stone); and Absent, 4 (Sens. Burke and Panzer; and Reps. Jensen and Krug).

The second amendment offered by Representative Gard to WLC: 0089/2 (WLC: 0107/1) would eliminate dental health outreach positions in the Department of Health and Family Services.

After discussion of this amendment:

Rep. Gard moved, seconded by Rep. Lehman, to amend WLC: 0089/2 by deleting the language on page 1, line 3, "authorizing licensed dental health professional positions in the department of health and family services;" and deleting lines 1 to 7 on page 10 of the draft. The motion failed on a roll call vote as follows: Ayes, 6 (Sen. Darling; and Reps. Rhoades, Foti, Gard, Lehman and Stone); Noes, 12 (Sens. Risser, Baumgart, Chvala, George, Grobschmidt, Robson, Rosenzweig and Zien; and Reps. Black, Bock, Freese and Huber); and Absent, 4 (Sens. Burke and Panzer; and Reps. Jensen and Krug).

Representative Gard explained that his third amendment to WLC: 0089/2 (WLC: 0110/1) would eliminate reimbursement for coverage of topical fluoride varnish under the early and periodic screening, diagnosis and treatment (EPSDT) program.

After discussion of this amendment:

Rep. Gard moved, seconded by Rep. Stone, to amend WLC: 0089/2 by:

- *On page 1, line 7: delete “making topical fluoride varnish a covered service under the early and periodic screening, diagnosis and treatment program; creating a fluoride varnish education program;”;*
- *On page 5, line 17: delete the material beginning with that line and ending on page 6, line 2;*
- *On page 9, line 4: delete lines 4 to 19; and*
- *On page 11, line 3: delete lines 3 to 8.*

The motion failed on a roll call vote as follows: Ayes, 8 (Sens. Darling and Zien; and Reps. Rhoades, Foti, Freese, Gard, Lehman and Stone); Noes, 10 (Sens. Risser, Baumgart, Chvala, George, Grobschmidt, Robson and Rosenzweig; and Reps. Black, Bock and Huber); and Absent, 4 (Sens. Burke and Panzer; and Reps. Jensen and Krug).

Sen. George moved, seconded by Sen. Rosenzweig, that WLC: 0089/2, relating to the state contract for dental education; authorizing licensed dental health professional positions in the department of health and family services; funding for dental services at community health centers; grants for community water fluoridation; increasing the medical assistance reimbursement rates for dental services; making topical fluoride varnish a covered service under the early and periodic screening, diagnosis and treatment program; creating a fluoride varnish education program; reimbursement for dental hygienist services under medical assistance; medical assistance reimbursement for dental cleanings; requiring rule-making; increasing appropriations; and making an appropriation, be introduced by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 17 (Sens. Risser, Baumgart, Burke, Chvala, Darling, George, Grobschmidt, Robson, Rosenzweig and Zien; and Reps. Rhoades, Black, Bock, Freese, Huber, Lehman and Stone); Noes, 2 (Reps. Foti and Gard); and Absent, 3 (Sen. Panzer; and Reps. Jensen and Krug).

[Sen. Panzer asked that the record reflect that had she been present, she would have voted in favor of WLC: 0089/2.]

Next, Representative Gard described an amendment to WLC: 0090/2 (WLC: 0106/1), eliminating dental licensure changes.

After discussion of this amendment:

Rep. Gard moved, seconded by Rep. Foti, to amend WLC: 0090/2 by:

- *On page 1, line 12: delete the material beginning with “recognition” and ending with “dentistry;” on page 1, line 14; and*

- *On page 9, line 1: delete the material beginning on that line and ending on page 12, line 18.*

The motion failed on a roll call vote as follows: Ayes, 1 (Rep. Gard); Noes, 17 (Sens. Risser, Baumgart, Chvala, Darling, George, Grobschmidt, Robson, Rosenzweig and Zien; and Reps. Rhoades, Black, Bock, Foti, Freese, Huber, Lehman and Stone); and Absent, 4 (Sens. Burke and Panzer; and Reps. Jensen and Krug).

Sen. George moved, seconded by Sen. Rosenzweig, that WLC: 0090/2, relating to recognition of examinations of regional dental testing services; granting a license to practice dentistry to an individual who is licensed in another jurisdiction; creating an educational license to practice dentistry; the scope of practice of dental hygienists; delegation of dentistry practices to dental hygienists and unlicensed individuals; providing loan assistance to dentists and dental hygienists who practice in underserved areas; requiring the technical college system board to report on community dental health education; requiring the dentistry examining board and the department of health and family services to prepare a joint report on the ability of the dental work force to meet dental needs; requiring the department of health and family services to prepare a plan for a comprehensive oral health data collection system; requiring the department of health and family services to report on prior authorization for dental services under medical assistance; and requiring the department of health and family services and the department of regulation and licensing to prepare joint reports on improved access to dental services and dental hygiene services, be introduced by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 18 (Sens. Risser, Baumgart, Burke, Chvala, Darling, George, Grobschmidt, Robson, Rosenzweig and Zien; and Reps. Rhoades, Black, Bock, Foti, Freese, Huber, Lehman and Stone); Noes, 1 (Rep. Gard); and Absent, 3 (Sen. Panzer; and Reps. Jensen and Krug).

[Sen. Panzer asked that the record reflect that had she been present, she would have voted in favor of WLC: 0090/2.]

Consideration of 1999 Joint Legislative Council Bills for Reintroduction

Returning to this item, Co-Chair Risser stated that he is recommending that the Joint Legislative Council consider reintroduction of six bills and one joint resolution introduced in the 1999 Session which were not enacted. He noted that the seven proposals were identified in a March 6, 2001 memorandum distributed to the members of the Council. They are:

- SB 317, Discipline of Health Care Professionals
- SB 318, Discipline of Health Care Professionals

- SB 261, Historic Building Code
- SB 371, Historic Building Code
- SJR 23, Historic Building Code
- AB 490, Conservation Laws Enforcement
- AB 491, Conservation Laws Enforcement

Rep. Freese moved, seconded by Rep. Huber, that the six bills and one joint resolution proposed for reintroduction be reintroduced, en masse. The motion carried on a unanimous voice vote.

Other Business

Co-Chair Risser announced that because of the hour, the Council would defer action on the proposed Joint Legislative Council rule relating to amendments. There was no other business to come before the committee.

Adjournment

The meeting was adjourned at 11:45 a.m.

TCA:wu;ksm